

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William H. Walls  
 : Crim. No. 09-561  
 v. :  
 : CONTINUANCE ORDER  
 GILBERT MONTANEZ, :  
 a/k/a "Wee Wee" :

This matter having come before the Court on the joint application of Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (by Brooke E. Carey, Assistant U.S. Attorney), and defendant Gilbert Montanez, a/k/a "Wee Wee" (by James Kimball, Esq.) for an order granting a continuance of the proceedings in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to finalize a plea agreement, which would render trial of this matter unnecessary;

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2. Defendant has consented to the aforementioned continuance; and

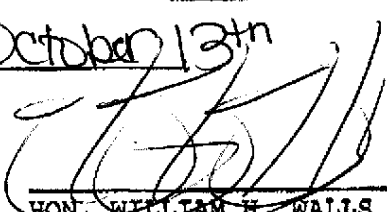
3. Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 23 day of September, 2009,

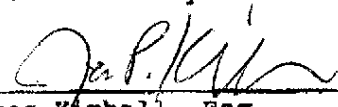
IT IS ORDERED that the period from August 17, 2009, through October 17, 2009 shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(8).

IT IS FURTHER ORDERED that all dates for the parties to file and respond to motions, for the motion hearing and for trial in the court's Order For Discovery and Inspection shall be stayed as follows:

1. Defendants shall file pretrial motions on or before September 30<sup>th</sup>
2. The Government shall respond to such motions on or before October 9<sup>th</sup>
3. The return date for pretrial motions shall be October 12<sup>th</sup> and
4. Trial shall commence on October 13<sup>th</sup>

  
HON. WILLIAM H. WALLS  
United States District Judge

  
Assistant U.S. Attorney  
Brooke E. Carey

  
James Kimball, Esq.  
Counsel for defendant Gilbert Montanez